

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

UNITED STATES OF AMERICA, : Case No. 1:22-cr-64

Plaintiff, : Judge Matthew W. McFarland

v. :

LASHAWNDA ALEXANDER, :

Defendant. :

ORDER

This matter is before the Court on the Government's Motion to Amend Judgment (Doc. 79). The Government seeks to amend the Judgment (Doc. 75) to reflect the forfeiture money judgment in the amount of \$51,291.14, as the Court previously ordered in the Preliminary Order of Forfeiture (Doc. 69).

Under Federal Rule of Criminal Procedure 32.2(b)(4)(B), “[t]he court must . . . include the forfeiture order, directly or by reference, in the judgment, but the court's failure to do so may be corrected at any time under Rule 36.” In turn, Rule 36 reads: “After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” Fed. R. Crim. P. 36.

The forfeiture allegation in the Indictment provided notice that the United States would seek forfeiture of any property “which constitutes or is derived from proceeds traceable to the violation, including but not limited to, a money judgment equal to at least

\$91,000, which represents the proceeds that Defendant obtained from the offenses.” (Indictment, Doc. 24, Pg. ID 93.) After the jury returned guilty verdicts on all counts, the Court found that Defendant had obtained proceeds from the wire fraud scheme in the amount of \$51,291.14. (Preliminary Order of Forfeiture, Doc. 69, Pg. ID 312.) This amount reflected the remaining principal balance on Defendant’s fraudulently obtained loan. (*Id.*) The Court accordingly entered a Preliminary Order of Forfeiture under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), ordering the entry of a money judgment in the amount of \$51,291.14. (*Id.*) Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), the Court further ordered that “the Preliminary Order of Forfeiture shall become final as to the defendant at sentencing and shall be made part of the sentence and included in the judgment.” (*Id.*)

Following sentencing, in which the Court advised Defendant of forfeiture in this matter, the Court entered forfeiture in the written Judgment “as identified in the Indictment.” (Judgment, Doc. 75.) The Court therefore finds it appropriate—following the notice given by the Government’s filing of its Motion to Amend Judgment—to amend the Judgment (Doc. 75) to clarify that a money judgment is ordered in the amount of \$51,291.14.

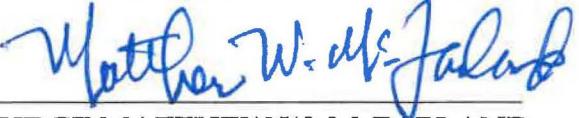
Based on the foregoing reasons, the Court **ORDERS** the following:

1. The Government’s Motion to Amend Judgment (Doc. 79) is **GRANTED**;
2. The Judgment **SHALL BE AMENDED** to include “A money judgment of \$51,291.14, as identified in the Preliminary Forfeiture Order” in lieu of the previous “As identified in the Indictment” language (Doc. 75, Pg. ID 415); and

3. The Amended Judgment **SHALL BE FILED** on the docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND